



**ALBUQUERQUE ENVIRONMENTAL HEALTH DEPARTMENT - AIR QUALITY DIVISION (DEPARTMENT)**

**11850 SUNSET GARDENS SW - ALBUQUERQUE, NEW MEXICO 87121**

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APPLICATION FOR A FUGITIVE DUST CONTROL PERMIT IN BERNALILLO COUNTY  
ALBUQUERQUE - BERNALILLO COUNTY AIR QUALITY CONTROL BOARD REGULATION 20.11.20 NMAC  
(ROUTINE MAINTENANCE/ACTIVE OPERATIONS PERMIT FOR SURFACE DISTURBANCE)

**DIVISION RECEIPT STAMP BELOW THIS LINE**

**PROGRAMMATIC PERMIT**

EFFECTIVE DATE OF THIS FORM: 7/1/04

SUBMITTAL DATE/TIME \_\_\_\_\_

RECEIVED BY \_\_\_\_\_

PERMIT # \_\_\_\_\_

**NOTE: A PROGRAMMATIC PERMIT IS A FUGITIVE DUST CONTROL PERMIT, VALID FOR UP TO FIVE YEARS, ISSUED TO A PERMITTEE THAT PERFORMS ROUTINE MAINTENANCE OR ROUTINE ACTIVE OPERATIONS ON LAND OR AT FACILITIES OF  $\frac{3}{4}$  OF AN ACRE OR MORE, WHICH DOES NOT INCLUDE FULL DEPTH RECONSTRUCTION OF A ROADWAY OR SUBSTANTIAL REMOVAL AND REPLACEMENT OF A MANMADE FACILITY.**

**PERMIT APPLICATION - PART A. - BUSINESS, AGENCY, OR PROPERTY OWNER** (CLEARLY PRINT OR TYPE)

1. BUSINESS/AGENCY NAME \_\_\_\_\_

**AND/OR**

2. PROPERTY OWNERS NAME \_\_\_\_\_

**PERMIT APPLICATION - PART B. - FACILITY INFORMATION AND GENERAL ACTIVITIES** (CLEARLY PRINT OR TYPE)

(IF THE PERMITTEE WISHES TO INCLUDE MULTIPLE FACILITY (SITE) LOCATIONS UNDER THE SAME PERMIT, SUBMIT THE REQUIRED INFORMATION REQUESTED FOR EACH INDIVIDUAL SITE BY SUBMITTING ADDITIONAL COPIES OF PAGES 1 & 2 AS NECESSARY.)

**SUBMIT AS AN ATTACHMENT TO THIS APPLICATION AN (8 1/2" X 11" OR 11" X 17") SITE MAP FOR EACH FACILITY LOCATION**

1. FUGITIVE DUST FACILITY (SITE) LOCATION \_\_\_\_\_

2. STREET ADDRESS OF FACILITY (if available) \_\_\_\_\_

3. MAJOR CROSS STREETS OR INTERSECTION NEARBY FACILITY \_\_\_\_\_

4. UNIFORM PROPERTY CODE(S) [UPC] OF FACILITY (preferred if available) \_\_\_\_\_

5. LATITUDE/LONGITUDE (if available) NORTH \_\_\_\_\_ ° \_\_\_\_\_ ' \_\_\_\_\_ " WEST \_\_\_\_\_ ° \_\_\_\_\_ ' \_\_\_\_\_ "

6. UNIVERSAL TRANSVERSE MERCATOR (UTM Coordinates), if available \_\_\_\_\_ NORTHING \_\_\_\_\_ EASTING

7. TOTAL ACRES OF THIS FACILITY \_\_\_\_\_

8. TOTAL ACRES OF THIS FACILITY SUBJECT TO ROUTINE MAINTENANCE/ACTIVE OPERATIONS \_\_\_\_\_

9. TOTAL MILES OF ROADS/EASEMENTS FOR THIS FACILITY SUBJECT TO ROUTINE MAINTENANCE/ACTIVE OPERATIONS \_\_\_\_\_

10. TOTAL MILES OF ROADS/EASEMENTS FOR THIS FACILITY CONVERTED TO ACRES \_\_\_\_\_

11. PROVIDE A DESCRIPTION OF THIS FACILITY'S OPERATION(S) \_\_\_\_\_

12. DESCRIBE THE TYPE OF ACTIVITIES AT THIS FACILITY THAT MAY GENERATE FUGITIVE DUST \_\_\_\_\_

(CLEARLY PRINT OR TYPE)

A	B	C	D	E
SOURCE CLASSIFICATION (SEE DEFINITIONS AT THE BOTTOM OF THIS TABLE)	ACRES ROUNDED TO NEAREST WHOLE NUMBER TO BE CONTROLLED AT EACH CLASSIFICATION LEVEL (CONVERT MILES TO ACRES)	GENERAL DESCRIPTION OF THE REASONABLY AVAILABLE CONTROL MEASURE(S) CURRENTLY IN PLACE <b>OR</b> TO BE USED TO MAINTAIN THE ACREAGE AT EACH CLASSIFICATION LEVEL CLAIMED (SEE PART E LIST ON PAGE 3) (EXAMPLE: TRAFFIC, WINDBREAKS, ETC.)	COST PER ACRE BASED ON SOURCE CLASSIFICATION EXPECTATIONS (20.11.2 NMAC FEES REGULATION)	TOTAL FEE PER CLASSIFICATION [COLUMN B TIMES (X) COLUMN D]
LOW IMPACT			\$11.00	\$
MODERATE IMPACT			\$55.00	\$
HIGH IMPACT			\$99.00	\$

<b>ANTICIPATED PERMIT FEE DUE (SUM OF COLUMN E)&gt;&gt;&gt;&gt;&gt;&gt;&gt;&gt;&gt;&gt;&gt;&gt;&gt;&gt;</b>	<b>\$</b>
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### ABBREVIATED DEFINITIONS OF SOURCE CLASSIFICATIONS

**NO IMPACT** MEANS ACTIVE AND INACTIVE SURFACE AREAS THAT PRODUCE VIRTUALLY NO FUGITIVE DUST. SUCH LAND SURFACES ARE EXEMPT FROM THE FUGITIVE DUST CONTROL REGULATION OR REQUIREMENTS TO PAY FEES

**LOW IMPACT** MEANS ACTIVE AND INACTIVE SURFACE AREAS THAT ARE APPROXIMATELY 90% CONTROLLED

**MODERATE IMPACT** MEANS ACTIVE AND INACTIVE SURFACE AREAS THAT ARE APPROXIMATELY 50% CONTROLLED

**HIGH IMPACT** MEANS ACTIVE AND INACTIVE SURFACE AREAS THAT ARE APPROXIMATELY 10% CONTROLLED

**NOTE: UPON RECEIPT OF YOUR APPLICATION, THE DEPARTMENT WILL REVIEW AND VERIFY THE INFORMATION SUBMITTED. ONCE THE DEPARTMENT HAS DETERMINED THAT THE APPLICATION IS COMPLETE, THE DEPARTMENT WILL SIGN THE APPLICATION AND RETURN A COMPLETED COPY TO YOU AS YOUR PERMIT. SUBSEQUENTLY, AN INVOICE WILL BE SENT TO YOU FOR INITIAL PAYMENT OF THE PERMIT FEE. EACH YEAR THEREAFTER, THE DEPARTMENT WILL ALSO SEND AN INVOICE FOR THE ANNUAL FEES DUE. THE APPLICATION MAY BE SENT BY MAIL TO THE ADDRESS THAT APPEARS AT THE TOP OF PAGE 1 OF THIS FORM OR IT MAY BE HAND DELIVERED TO THE SAME ADDRESS BETWEEN THE HOURS OF 8:00AM - 4:30PM MONDAY THROUGH FRIDAY.**

(CLEARLY PRINT OR TYPE)

**THE “PERMITTEE” IS REQUIRED TO COMPLY WITH A FUGITIVE DUST CONTROL PLAN THAT DETAILS THE FUGITIVE DUST CONTROL MEASURES THAT WILL BE USED TO MITIGATE THE RELEASE OF FUGITIVE DUST FROM ROUTINE ACTIVE OPERATIONS AND MAINTENANCE. IF YOU ARE NOT SUBMITTING AS AN ATTACHMENT TO THIS APPLICATION AN ALTERNATIVE FUGITIVE DUST CONTROL PLAN, THEN YOU MUST COMPLETE PART D.1 - D.2 BELOW TO COMPLETE YOUR FUGITIVE DUST CONTROL PLAN.**

1. SUMMARIZE IN DETAIL HOW THE REASONABLY AVAILABLE CONTROL MEASURES CURRENTLY IN PLACE, OR THAT YOU HAVE SELECTED IN COLUMN C OF THE PART C TABLE ABOVE WILL BE USED TO LIMIT OR PREVENT THE RELEASE OF FUGITIVE DUST FROM ROUTINE ACTIVE OPERATIONS AND/OR MAINTENANCE AT THIS FACILITY. (FOR EXAMPLE CREDIT CAN BE TAKEN FOR: EXISTING TREES OR SHRUBBERY, ALONG AT LEAST 50% OF THE PERIMETER OF THE FACILITY, AS A WINDBREAK; OR SALVAGED VEHICLES, MATERIALS, OR EQUIPMENT AT A SALVAGE YARD THAT FORM AN EFFECTIVE WINDBREAK; OR EXISTING FENCING THAT PREVENTS VEHICLE ACCESS TO PROPERTY AS A TRAFFIC CONTROL). DESCRIBE THE HEIGHT, LENGTH, LOCATIONS, TYPES, AMOUNTS, ETC. FOR ALL METHODS TO BE USED AS CONTROL MEASURES. AS A GENERAL RULE, THE DEPARTMENT WILL ALLOW CREDIT FOR WINDBREAKS FOR A LATERAL DISTANCE EQUAL TO 10 TIMES THE HEIGHT OF THE WINDBREAK. THEREFORE, A 6 FOOT HIGH WINDBREAK WILL BE CREDITED WITH REDUCING DUST EMISSIONS FOR A DISTANCE OF 60 FEET FROM THE FENCE.

2. DESCRIBE THE ACTION(S) THAT WILL BE TAKEN TO MITIGATE CLAIMS OF PROPERTY DAMAGE BY FUGITIVE DUST AT/FROM THIS FACILITY.

## **PERMIT APPLICATION - PART E. - REASONABLY AVAILABLE CONTROL MEASURES**

THE “PERMITTEE” SHALL INCLUDE IN THE PERMIT APPLICATION ONE OR MORE OF THE APPLICABLE REASONABLY AVAILABLE CONTROL TYPE MEASURES LISTED BELOW (ABBREVIATED LIST), OR ONE OR MORE OTHER (ALTERNATIVE) FUGITIVE DUST CONTROL MEASURES, INCLUDING MEASURES TAKEN TO COMPLY WITH ANY OTHER STATUTE OR REGULATION THAT WOULD ALSO EFFECTIVELY CONTROL FUGITIVE DUST DURING ROUTINE ACTIVE OPERATIONS AND MAINTENANCE AND INACTIVE OPERATIONS. FOR A MORE COMPLETE LIST OF CONTROL TYPE MEASURES YOU CAN REFER TO SECTION 23 OF PART 20.11.20 NMAC – FUGITIVE DUST CONTROL.

**NOTE: IF THE “PERMITTEE” CHOOSES TO SUBMIT AS AN ATTACHMENT TO THIS APPLICATION AN ALTERNATIVE FUGITIVE DUST CONTROL PLAN IN LIEU OF USING ANY OF THE REASONABLY AVAILABLE CONTROL MEASURES GIVEN IN PART E BELOW OR FROM SECTION 23 OF PART 20.11.20 NMAC – FUGITIVE DUST CONTROL, THE ALTERNATIVE FUGITIVE DUST CONTROL PLAN (SUCH AS A STORM WATER POLLUTION PREVENTION PLAN) MUST INCLUDE DETAILED INFORMATION THAT ADDRESSES: 1) THE REASONABLY AVAILABLE CONTROL MEASURES TO MITIGATE THE RELEASE OF FUGITIVE DUST FROM ROUTINE ACTIVE OPERATIONS AND MAINTENANCE; AND 2) ACTION(S) TO BE TAKEN TO MITIGATE PROPERTY DAMAGE (SEE PART D OF THIS APPLICATION). IF SUBMITTING AN ALTERNATIVE FUGITIVE DUST CONTROL PLAN YOU STILL MUST COMPLETE PARTS A, B, C, F, AND G OF THIS APPLICATION.**

**NOTE: USE THE ONE WORD UNDERLINED HEADINGS BELOW WHEN FILLING IN THE CONTROL MEASURES IN COLUMN C OF THE PART C TABLE ON PAGE 2. THESE MEASURES CAN REDUCE THE RELEASE OF FUGITIVE DUST FROM YOUR FACILITY OR REDUCE THE AMOUNT OF ACREAGE/MILES REQUIRING CONTROL IF APPLIED AS PERMANENT STABILIZATION (FOR EXAMPLE: MAINTAINED PAVEMENT).**

### **PAVING**

- paving using well-maintained recycled asphalt, asphaltic concrete, concrete, or petroleum products legal for such use;
- using paved or gravel entry/exit aprons with devices, such as steel grates, capable of knocking mud and bulk material off vehicle tires;
- surfacing with gravel or other mulch material of a size and density sufficient to prevent surface material from becoming airborne

### **WATERING**

- using wet suppression;
- watering the site at the beginning and/or end of each day sufficient to stabilize the area;
- using dust suppressants applied in amounts, rates, and maintained as recommended by the manufacturer (submit manufacturer’s data with application)

### **WINDBREAKS**

- installing upwind windbreaks, including fabric fences with the bottom of the fence sufficiently anchored to the ground to prevent material from blowing underneath the fence; all windbreaks and fabric fences should be maintained in an upright and functional condition at all times; all accumulated material on the windward side of the windbreak should be periodically removed to prevent failure of the windbreak;
- installing permanent perimeter and interior walls;
- For Salvage Yards - using salvaged vehicles arranged in rows with minimum spacing between vehicles;
- For Construction or Storage Yards – using construction materials, equipment, trailers, buildings or structures to create a windbreak;
- Using dense hedges, shrubbery or trees;
- Using sand fences, board rail fences, or similar fences that have openings on approximately 50% of the surface;
- Natural barriers

### **TRAFFIC**

- using traffic controls, including decreased speed limits with appropriate enforcement; other traffic calming methods, vehicle access restrictions and controls; road closures or barricades; and off-road vehicle access controls and closures;
- cleaning up spillage and track out as necessary to prevent particulates from being pulverized and entrained into the atmosphere;
- performing regularly scheduled vacuum street cleaning or wet sweeping;
- using properly secured tarps or cargo covering that covers the entire surface area of the load;
- installing fencing to limit vehicle access to property

### **LANDSCAPING**

- reseeding using native grasses as specified in 20.11.20.24 NMAC – NATIVE GRASS SEEDING AND MULCH SPECIFICATIONS;
- xeriscaping;
- mulching and crimping of straw or hay as specified in Section 20.11.20.24 NMAC;
- conventional landscaping techniques

**NOTE: IT IS REQUIRED DURING A HIGH WIND EVENT (5 CONSECUTIVE MINUTES WITH AN AVERAGE WIND SPEED OF 30 MILES PER HOUR OR HIGHER) THAT ALL FUGITIVE DUST SOURCES CEASE ALL ACTIVE OPERATIONS THAT ARE CAPABLE OF PRODUCING FUGITIVE DUST. THE PERMITTEE IS RESPONSIBLE FOR MAINTAINING CONTROL MEASURES THAT PREVENT OR ABATE UNREASONABLE INTERFERENCE WITH PUBLIC WELFARE, VISIBILITY AND THE REASONABLE USE OF PROPERTY.**

**NOTE: THIS APPLICATION SHALL INCLUDE A FUGITIVE DUST CONTROL PLAN THAT MAY UTILIZE REASONABLY AVAILABLE CONTROL MEASURES TO MITIGATE FUGITIVE DUST TO MEET THE OBJECTIVES OF PART 20.11.20 NMAC – FUGITIVE DUST CONTROL. BY SIGNING BELOW, THE APPLICANT CERTIFIES THAT THE INFORMATION PROVIDED IN THIS APPLICATION FOR A FUGITIVE DUST CONTROL PROGRAMMATIC PERMIT IS TRUE, ACCURATE AND COMPLETE, AND THE APPLICANT AGREES TO BE THE “PERMITTEE”.**

**THE PERMITTEE SIGNATURE BOX MUST BE COMPLETED**

(COMPLETE ALL APPLICABLE INFORMATION)

EMAIL ADDRESS OF PERMITTEE

**06/02/04**    **Department Review by** \_\_\_\_\_ **Required Initials of Permittee** \_\_\_\_\_

**PERMIT APPLICATION PART – G. – FACILITY OWNER INFORMATION** (COMPLETE THE OWNER INFORMATION BELOW ONLY IF DIFFERENT THAN THE PERSON WHO HAS SIGNED AS THE PERMITTEE IN SECTION **F**. READ ALL THE INFORMATION BELOW, EVEN IF NOT SIGNING THE FACILITY OWNER INFORMATION BOX. THE PERMITTEE MUST INITIAL THE BOTTOM RIGHT CORNER OF ALL 5 PAGES TO ENSURE THAT ALL THE APPLICATION INFORMATION PROVIDED HAS BEEN REVIEWED.

**NOTE: IF THE PERMITTEE FAILS TO COMPLY WITH THE PROVISIONS OF 20.11.20 NMAC – FUGITIVE DUST CONTROL, THE OWNER, IF DIFFERENT FROM THE PERMITTEE, SHALL BE RESPONSIBLE FOR COMPLYING WITH THE PERMIT. IF THE PERMITTEE FAILS TO TAKE ALL REQUIRED ACTIONS TO PREVENT A VIOLATION OF 20.11.20 NMAC – FUGITIVE DUST CONTROL, THE OWNER SHALL BE RESPONSIBLE TO TAKE ALL ACTIONS REQUIRED TO PREVENT OR SATISFACTORILY RESOLVE A VIOLATION OF 20.11.20 NMAC – FUGITIVE DUST CONTROL, INCLUDING STOPPING ALL ACTIVE OPERATIONS, IF NECESSARY. TO MITIGATE FUGITIVE DUST, ALL INACTIVE DISTURBED SURFACE AREAS MUST BE STABILIZED AND MAINTAINED IN STABLE CONDITION BY THE OWNER, PERMITTEE OR PERSON RESPONSIBLE FOR MAINTENANCE OF THE FACILITY. FAILURE TO COMPLY SHALL BE A VIOLATION OF 20.11.20 NMAC – FUGITIVE DUST CONTROL.**

**FACILITY OWNER INFORMATION** (COMPLETE ALL APPLICABLE INFORMATION)

\_\_\_\_\_  
IF A BUSINESS, PRINT FACILITY OWNER’S BUSINESS NAME

\_\_\_\_\_  
PRINT NAME OF INDIVIDUAL SIGNING FOR FACILITY OWNER

\_\_\_\_\_  
PRINT TITLE OF INDIVIDUAL SIGNING FOR FACILITY OWNER

\_\_\_\_\_  
SIGNATURE OF FACILITY OWNER

\_\_\_\_\_  
INITIALS OF FACILITY OWNER

\_\_\_\_\_  
DATE SIGNED

\_\_\_\_\_  
MAILING ADDRESS OF FACILITY OWNER

\_\_\_\_\_  
CITY

\_\_\_\_\_  
STATE

\_\_\_\_\_  
ZIP CODE

\_\_\_\_\_  
PHONE OF FACILITY OWNER

\_\_\_\_\_  
CELL OF FACILITY OWNER

\_\_\_\_\_  
PAGER OF FACILITY OWNER

\_\_\_\_\_  
FAX OF FACILITY OWNER

\_\_\_\_\_  
EMAIL ADDRESS OF FACILITY OWNER

THE **GENERAL PROVISIONS** OF 20.11.20 NMAC – FUGITIVE DUST CONTROL STATES THAT NO PERSON SHALL ALLOW FUGITIVE DUST, TRACK-OUT, OR TRANSPORTED MATERIAL FROM ANY ACTIVE OPERATION, OPEN STORAGE PILE, PAVED OR UNPAVED ROADWAY OR DISTURBED SURFACE AREA, OR INACTIVE DISTURBED SURFACE AREA TO BE CARRIED BEYOND THE PROPERTY LINE, RIGHT-OF-WAY, EASEMENT OR ANY OTHER AREA UNDER THE CONTROL OF THE PERSON GENERATING OR ALLOWING THE FUGITIVE DUST IF THE FUGITIVE DUST WILL:

- 1) ADVERSELY AFFECT THE HEALTH, PUBLIC WELFARE OR SAFETY OF THE RESIDENTS OF BERNALILLO COUNTY; OR
- 2) IMPAIR VISIBILITY OR THE REASONABLE USE OF PROPERTY; OR
- 3) BE VISIBLE LONGER THAN A TOTAL OF 15 MINUTES IN ANY 1 HOUR OBSERVATION PERIOD USING THE VISIBLE FUGITIVE DUST DETECTION METHOD IN 20.11.20.26 (VISUAL DETERMINATION OF FUGITIVE DUST EMISSIONS VIOLATIONS) OR AN EQUIVALENT METHOD APPROVED IN WRITING BY THE DEPARTMENT.

PURSUANT TO THE AIR QUALITY CONTROL ACT, CHAPTER 74, ARTICLE 2 NEW MEXICO STATUTES ANNOTATED 1978, AS AMENDED; THE ALBUQUERQUE JOINT AIR QUALITY CONTROL BOARD ORDINANCE, 9-5-1-1 ROA 1994; THE BERNALILLO COUNTY JOINT AIR QUALITY CONTROL BOARD ORDINANCE, BERNALILLO COUNTY ORDINANCE 94-5, AND THE ALBUQUERQUE/BERNALILLO COUNTY AIR QUALITY CONTROL BOARD (A/BCAQCB) REGULATION TITLE 20, CHAPTER 11, PART 20, NEW MEXICO ADMINISTRATIVE CODE (NMAC), (20.11.20 NMAC) - FUGITIVE DUST CONTROL, AND UPON AUTHORIZED SIGNATURES BELOW, THIS APPLICATION TOGETHER WITH ASSOCIATED DRAWINGS, PLANS, APPENDED DOCUMENTS, OTHER DATA, AND ANY CONDITIONS ATTACHED TO THE PERMIT BY THE DEPARTMENT, WILL BECOME THE FUGITIVE DUST CONTROL PROGRAMMATIC PERMIT.

THIS TABLE FOR DEPARTMENT USE.

APPLICATION REVIEWED BY:	DEEMED COMPLETE DATE	PERMIT ISSUED BY:	ISSUE DATE	EXPIRATION DATE
_____ _AIR QUALITY DIVISION SUPERVISOR /SCIENTIST/HEALTH SPECIALIST	_____ / /200	_____ _AIR QUALITY DIVISION SUPERVISOR /SCIENTIST/HEALTH SPECIALIST	_____ / /200	_____ / /200